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House of Representatives

Pass the Conscience Protection Act

Mr. SMITH of New Jersey... I thank my good friend, Mrs. Foxx for yielding and thank her for her extraordinary Pro-life leadership.

Madam Speaker, in an unconscionable abuse of power, for almost 2 years, the State of California has forced all insurance plans under its purview and the people in institutions that pay the premiums—to subsidize abortion on demand. Numerous faith-based entities filed complaints pursuant to law with the HHS Office for Civil Rights seeking, and fully expecting, relief.

Effective June 21, however, the Obama administration flatly refused to enforce U.S. law—current law—protecting the civil right of conscience. Cardinal Timothy Dolan said, “It is shocking that HHS has allowed the State of California to force all employers—even churches—to fund and facilitate elective abortions in their health insurance plans.”

I would note parenthetically to my colleagues, this isn’t about ObamaCare and the massive taxpayer funding for abortion embedded—according to GAO’s analysis—in over 1,000 insurance plans on the exchanges, which was contrary to what the President had promised right here in this Chamber, 30 feet away from me, in a joint session of Congress in 2009. No. This is about private health insurance plans of Catholic dioceses, religious schools,

and others who have been ordered to violate their deeply held convictions and pay for the killing of unborn children by hideous dismemberment procedures, toxic compounds, or chemical poisoning.

The Weldon Federal conscience clause, authored by Congressman Dave Weldon of Florida and continuously in effect for well over a decade, is explicit and comprehensive, but it is not being enforced by the Obama Administration.

The Weldon amendment says, in pertinent part, that it is illegal for any “discrimination” against a healthcare entity “on the basis that the healthcare entity does not provide, pay for, provide coverage of, or refer for abortions.” The law’s definition of healthcare entity explicitly includes “a health insurance plan.”

Despite the absolute clarity of the Weldon language, injured parties, including the Catholic church, have been denied relief.

The Obama Administration’s refusal to enforce the civil right of conscience is not only unfair and unjustified, it violates the rule of law, makes a mockery of the President’s 2009 Notre Dame speech, mentioned by my colleague from Missouri, when Obama said: “Let’s honor the conscience of those who disagree with

abortion.” Mr. Obama’s words don’t match his deeds and he is not honoring the civil rights of conscience.

The Conscience Protection Act of 2016, authored by Congresswoman DIANE BLACK, seeks to end discrimination against people, plans, and providers for refusing to be involved in the killing of unborn children. The bill says that the Federal Government or any State or local government that receives Federal assistance may not penalize, retaliate against, or otherwise discriminate against those who refuse to perform, refer for, pay for, or otherwise participate in abortion.

The linchpin of this legislation, of the Conscience Protection Act, protects people, insurance plans, and other entities from being forced to participate by providing a private right of action.

The HHS Office for Civil Rights has failed miserably. In this country, we need a remedy that is durable and that will provide the protection that people are demanding, especially today in California, but really the entire country.